

# BRIGHTON TOWN COUNCIL MINUTES

## REPRESENTATION • COMMUNITY • LEGACY

January 6, 2020 ▪ 6:00 pm ▪ Fire Station #108 ▪ Presiding: Mayor Dan Knopp

### 1. ATTENDANCE

Dan Knopp, Jeff Bossard, Carolyn Keigley, Jenna Malone, Keith Zuspan, Polly McLean, Barbara Cameron, Wayne Dial, Dustin Dern, Jeff Silvestrini, Kathleen Riebe, Randy Doyle, Don Despain, Laynee Jones, Dena Hull, Karl Bryner, Rob Weaver, Renee Olson, Doug Fry

2. **PLEDGE OF ALLEGIANCE.** Deputy Chief Wayne Dial led the Council and audience in the Pledge of Allegiance.

### 3. ANNOUNCEMENTS

- Snow Sticker Registration ▪ Jan. 12 ▪ 8am-4:45-UDOT Maintenance Shed (6601 S. 3000 East)
- Road Meeting ▪ Jan. 13 ▪ 10 am ▪ Fire Station #108
- BCCA Meeting ▪ Jan. 13 ▪ 7 pm ▪ Fire Station #108
- Snow Sticker Registration ▪ Jan. 14 ▪ 8 am-4:45 pm ▪ UDOT Maintenance Shed (6601 S. 3000 East)
- Brighton Institute Avalanches of the Wasatch ▪ Jan. 16 ▪ 6:30 pm ▪ Fire Station #108
- Short Term Rentals Meeting ▪ Jan. 21 ▪ 2 pm ▪ MSD Offices at County Complex, Room N3-930
- Brighton Institute Geology of Big Cottonwood ▪ Jan. 23 ▪ 6:30 pm ▪ Fire Station #108

### 4. PUBLIC INPUT

- Senator Kathleen Riebe congratulated the new Council and noted that she is interested in legislation regarding funding for search and rescue and legal mufflers. She is delighted to represent and work with us.
- Mayor Jeff Silvestrini welcomed Brighton to the alliance of municipalities. He urged the Town to participate with the very productive Utah League of Cities and Towns Legislative Team. He also stated that he supports finding funding options for emergency services for visitors to the canyons. Brighton citizens should not be the only ones responsible for funding police and fire services for the existing high visitation.
- Karl Bryner, Mt Haven, asked if Brighton will be in the loop for the mill & fill road repaving project in the summer of 2020. Mayor Knopp assured him that the Town has been informed and will keep up.
- Dustin Dern, UFA Battalion Chief, is optimistic that a solid partnership will continue for UFA emergency services to the Town. He noted that Council members' key cards will be ready soon.
- Don Pickard expressed concern about the parking situation at Brighton and Solitude during the holidays. He asked Council members if there is anything that could be done to alleviate the troubles.

5. **MINUTES.** The Minutes of the December 18, 2019 Town Council meeting were approved as amended to say that Carolyn Keigley is authorized to design and purchase the official Town Seal.

### 6. BUSINESS

- a) Transportation Committee Report. Laynee Jones volunteered to lead a transportation committee to elicit community opinion about transportation solutions. She noted it would only be an advisory committee to the Council. Both Jenna Malone and Carolyn Keigley volunteered to sit on the committee. Council members endorsed the inclusion of secondary residents because they have skills, talent, and a variety of age ranges. Jenna noted that it would be great to include some younger homeowners. Council members agreed that the committee would not speak for the town, but serve as an advisory body to the Council. Mayor Knopp encouraged Laynee to put the committee together, set some meeting dates for public notice, and feel welcome to come to a Town Council meeting to discuss the mandate.
- b) Town Seal. Carolyn Keigley asked for clarification about the production of the official Town Seal. She has designed it, but is wondering if she is authorized to spend the money to have it produced. Council members said it is their understanding that she should make the purchase, with thanks for her creative efforts.
- c) Compilation of Ordinances Update. Polly McLean noted that she is about one-third finished with the Brighton Ordinances, which should be ready to post on the Municode website in February or March.
- d) 2020 Resolutions.

- 2020-1 Resolution Advising and Consenting to the Mayor's Appointment of a Treasurer. MOTION (by Keith Zuspan, 2<sup>nd</sup> by Jeff Bossard): The Mayor shall appoint Brian Hartsell of the MSD as Brighton's Treasurer. Motion passed unanimously
- 2020-2 Resolution Advising and Consenting to the Mayor's appointment of an Acting Town Clerk. MOTION (by Keith Zuspan, 2<sup>nd</sup> by Jeff Bossard): The Mayor shall appoint Barbara Cameron as Acting Town Clerk. Motion passed unanimously.
- 2020-3 Resolution Electing a Mayor Pro Tempore. MOTION (by Jeff Bossard, 2<sup>nd</sup> by Keith Zuspan): The Town Council shall elect Jenna Malone to serve as Mayor Pro Tempore. Motion passed unanimously.
- 2020-4 Resolution Authorizing the Mayor to enter into a Professional Service Contract for Administrator/Budget Services. MOTION (by Carolyn Keigley, 2<sup>nd</sup> by Jeff Bossard): The Mayor shall enter into a Professional Service Contract with Nate Rockwood to serve as an Administrator for Budget Services. Motion passed unanimously.
- 2020-5 Resolution Adopting a Procurement Policy. Polly McLean explained that this policy outlines the conditions for purchasing contracts in transactions over \$5000. It also allows the Town to go into a State Purchasing Pool without having to go through a Request for Proposal (RFP) process. Keith asked if there is a credit/debit card provision in the policy, and urged that guidelines for use should be clear. MOTION (by Jenna Malone, 2<sup>nd</sup> by Keith Zuspan): Brighton shall adopt a procurement policy. Motion passed unanimously.
- 2020-6 Resolution Authorizing the Mayor to do an RFP for Feasibility Study Services. Mayor Knopp explained that this Resolution only authorizes the RFP request; it is not a contract for a feasibility study. MOTION (by Jeff Bossard, 2<sup>nd</sup> by Carolyn Keigley): Motion passed unanimously.

e) Approval of 2020 Ordinances

Jeff Bossard disclosed that he owns a season pass at Brighton; Carolyn Keigley disclosed that she owns a Big Cottonwood season pass.

- 2020-01 Ratifying and Confirming All Prior Actions of the Council-Elect. MOTION (by Carolyn Keigley, 2<sup>nd</sup> by Jeff Bossard): All prior actions of the Council-Elect shall be ratified, except for Resolution 2019-7 Rules of Order, which should be amended to remove the last sentence of Rule #4-Voting, thus allowing the Mayor to vote. Motion passed unanimously.
- 2020-02 Ratifying and Confirming Prior Actions of the Council with Respect to Contracts Made Pursuant to Utah Code Annotated 10-2a-218. MOTION (by Jenna Malone, 2<sup>nd</sup> by Jeff Bossard): The Town Council shall ratify and confirm prior actions of the council with respect to contracts made pursuant to UCA 10-2a-218. Motion passed unanimously.

f) Appointment of two Council members to Utah Taxpayers Access Point. MOTION (by Carolyn Keigley, 2<sup>nd</sup> by Jenna Malone): The Town Council shall appoint Keith Zuspan and Nate Rockwood to have the authority to view the Utah Taxpayers Access Point for Brighton. Motion passed unanimously.

## REPORTS

- Mayor's Report. Dan Knopp reported that Brighton has tacit permission to use the UFA offices at \$11,000/year. It appears to be a very fair deal. Polly is writing up a formal contract.
- Carolyn Keigley's Report. Reasons for staying with SLVLESA are compelling, especially because SLCo is part of SLVESA, and they are paying for a share of our Canyon Patrol.
- Jeff Bossard's Report. Jeff noted that he tried to attend the Mosquito Abatement Commission and the VECC meeting, but both were in holiday mode, so no meetings actually occurred. He distributed the current 2019 Salt Lake County Multi-Jurisdictional Hazard Mitigation Plan to the Council, showing numerous canyon hazards. Mitigation efforts will be added in the coming year.
- Jenna Malone's Report. Jenna met with Lois of Municode to set up the Town website. She also reserved brighton.utah.gov as the email address.
- Keith Zuspan's Report. Keith noted that upcoming January meetings with the MSD will give us a better look at how our money is being used, and how the Building Code can be tailored to the Town needs.

## **8. FUTURE AGENDA ITEMS**

Council Members suggested items such as Business Licensing, Short-Term Rentals, and Revenue Stream (which we won't be able to view until April).

## **9. PUBLIC COMMENT**

Mayor Knopp asked if there should be a public comment period at the end of the meeting as well as at the beginning. Council members thought it might be a good idea, and so did the audience. Senator Riebe suggested that it be a time-certain schedule so that the meeting wouldn't run too late. Ask how many people want to speak, then divide the amount of time by that number of people.

## **10. ADJOURN**

MOTION to Adjourn was made by Keith Zuspan, 2<sup>nd</sup> by Jeff Bossard. Motion passed unanimously. The meeting was adjourned at 7:40 pm.

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Submitted by Barbara Cameron, Acting Town Clerk

# TOWN OF BRIGHTON

## Resolution 2020-7

### A RESOLUTION AMENDING RESOLUTION 2019-7 AND THE RULES OF ORDER AND PROCEDURE FOR BRIGHTON TOWN COUNCIL MEETINGS

**WHEREAS**, on November 20, 2019 the Brighton Town Council Elect adopted Resolution 2019-7 approving Rules of Order and Procedure and on January 6, 2020, the Brighton Town Council ratified its prior Resolutions.

**WHEREAS**, Utah Code § 10-3-507 requires that the minimum number of yes votes required to pass any ordinance or resolution, or to take any action by the council, unless otherwise prescribed by law, is a majority of the voting members of the council, regardless of absence or vacancy.

**WHEREAS**, Utah Code § 10-3b-402 requires that the mayor in a municipality operating under a five-member council form of municipal government is a regular and voting member of the council.

**WHEREAS**, the Council wishes to adopt rules regarding committees.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BRIGHTON, UTAH** that the Council shall amend and adopt the Rules of Order and Procedure to govern its meetings as follows. See Attachment A for final version.

#### **RULE 4. VOTING**

The minimum number of votes required to pass any action is ~~a majority three~~, even if there are absences or vacancies on the Council. A roll call vote will be taken and recorded for all Resolutions, Ordinances, and any actions that would create a liability against the town. Otherwise, the Council may vote as a group, and the vote shall be recorded. The Mayor will vote ~~only in case of a tie~~, and shall have no veto power.

#### **RULE 11. COMMITTEES**

The Town Council may establish committees, as it deems appropriate. Such committee meetings may be held at any time for the purpose of study, discussion, investigation, or inquires, workshops, training, or presentations by or responses from citizens or other interested persons or groups.

When establishing a committee, the Council may establish the committee's membership, the purpose of the committee, who may vote on recommendations passed on to the whole Council, the duration of the committee, and any other parameter regarding the committee the Town Council may wish to establish.

All committees may have up to two Town Council members appointed to sit on the committee.

No official action may be taken in committee meetings other than the adoption of non-binding recommendations to the Town Council. Committees shall not expend, disburse, or be supported in whole or in part by tax revenue.

The public is welcome to attend committee meetings as a courtesy but committees are not public bodies and do not have to adhere to Open Public Meeting Act requirements.

This Resolution shall take effect immediately.

**PASSED AND APPROVED** this 3rd day of February, 2020.

BY \_\_\_\_\_  
Dan Knopp, Mayor

ATTEST \_\_\_\_\_  
Barbara Cameron, Acting Town Clerk

## **ATTACHMENT A**

### **TOWN OF BRIGHTON RULES OF ORDER AND PROCEDURE (AMENDED FEBRUARY 3, 2020)**

Pursuant to Utah Code 10-3-606, the Town of Brighton hereby adopts the following rules of order and procedure to govern its meetings:

#### **RULE 1. AGENDA**

A written Agenda, published in advance, shall guide the meetings. Items may only be placed on the Agenda by the Mayor or any two Council members. A Resolution or Ordinance must be published in writing before a vote is taken on it. Matters not on the Agenda may be discussed, but no final action is taken on matters not on the Agenda.

#### **RULE 2. ORDER AND PROCEDURE**

Council meetings are chaired by the Mayor, and will follow a simplified Roberts Rules of Order. Agenda items are usually considered in the order listed, but may be reordered with consent of Council members.

#### **RULE 3. QUORUM**

A quorum consists of three Council members, including the Mayor.

#### **RULE 4. VOTING**

The minimum number of votes required to pass any action is a majority, even if there are absences or vacancies on the Council. A roll call vote will be taken and recorded for all Resolutions, Ordinances, and any actions that would create a liability against the town. Otherwise, the Council may vote as a group, and the vote shall be recorded. The Mayor will vote and shall have no veto power. (Amended 1-6-2020)

#### **RULE 5. RECONSIDERATION**

Any action taken by the Council may not be reconsidered or rescinded at a special meeting unless the number of Council members at the special meeting is equal to the number of members present at the meeting when the action was approved.

#### **RULE 6. MEETING MINUTES**

A written draft of the Meeting Minutes will be made available to Council members and the public within 7 days after the meeting for review and comment. They shall be designated as a draft copy until formally approved by the Council as a public document and filed in the official records of the Town.

#### **RULE 7. OPEN MEETINGS**

All meetings of the Town Council shall be held in compliance with the provisions of Title 52, Chapter 4, Utah Open and Public Meetings Act.

#### **RULE 8. ETHICAL REQUIREMENTS**

The Mayor and Council members must comply with the Municipal Officer's and Employees' Ethics Act described in Utah Code §§ 10-3-1301 to 10-3-1312. ([http://le.utah.gov/code/TITLE10htm/10\\_03\\_130100.htm](http://le.utah.gov/code/TITLE10htm/10_03_130100.htm))

#### **RULE 9. RULES OF DECORUM**

- A. Council members shall treat each other with respect and act in a civil and courteous manner to each other and the public.
- B. Public remarks must not be personal, impertinent, unduly repetitive, slanderous, profane, threatening, abusive, or otherwise impeding the orderly conduct of a Council meeting.
- C. A time limit may be established for public comments that address the Council on any item, even if it is not on the Agenda. Generally, members of the Council will not comment on the public comments. If they are administrative issues, the issue is typically referred to the Town Manager.
- D. At the discretion of the Mayor or upon a 2/3 vote of the Council, any person who fails to observe the rules of decorum will be asked to leave the meeting room.

- E. If a person is removed from the meeting room for disorderly conduct, the Council may decide to postpone voting on the issue of concern in order to avoid the appearance of retaliatory action.

#### **RULE 10. MAYOR PRO TEMPORE**

The Town Council shall elect one of its members as Mayor Pro Tempore to preside at the Town Council Meeting or attend a required Board Meeting in the case the Mayor is unable to attend the meeting.

#### **RULE 11. COMMITTEES**

The Town Council may establish committees, as it deems appropriate. Such committees meetings may be held at any time for the purpose of study, discussion, investigation, or inquires, workshops, training, or presentations by or responses from citizens or other interested persons or groups.

When establishing a committee, the Council may establish the committee's membership, the purpose of the committee, who may vote on recommendations passed on to the whole Council, the duration of the committee, and any other parameter regarding the committee the Town Council may wish to establish.

All committees may have up to two Town Council members appointed to sit on the committee.

No official action may be taken in committee meetings other than the adoption of non-binding recommendations to the Town Council. Committees shall not expend, disburse, or be supported in whole or in part by tax revenue.

The public is welcome to attend committee meetings as a courtesy but committees are not public bodies and do not have to adhere to Open Public Meeting Act requirements.

**BRIGHTON, UTAH  
ORDINANCE NO. 2020-3**

**AN ORDINANCE ESTABLISHING REGULAR BRIGHTON TOWN COUNCIL MEETINGS**

**WHEREAS**, Utah Code 10-3-502 requires the council by ordinance prescribe the time and place for holding its regular meeting and hold a regular meeting at least once each month; and

**WHEREAS**, Utah Code 52-4-101 et seq. requires that town council meetings be compliant with the Utah Open and Public Meetings Act;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Brighton that:

Section 1. The Brighton Town Council shall conduct regular meetings to be held at 6:30 pm, at Fire Station 108, 7688 S. Big Cottonwood Canyon Road, Brighton, Utah 84121 on the first Tuesday of each month except for January, March and April where the regular meeting shall be held on the first Monday. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place on the day following the legal holiday.

Section 2. Brighton Town Council meeting dates for 2020 are: January 6, February 3, March 2, April 7, May 5, June 2, July 7, August 4, September 1, October 6, November 3, December 1, 2020

This Ordinance shall take effect immediately.

**PASSED AND ADOPTED** by the Brighton Town Council this 3<sup>rd</sup> day of February, 2020

**TOWN OF BRIGHTON**

By: \_\_\_\_\_  
Dan Knopp, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Cameron, Acting Town Clerk

# TOWN OF BRIGHTON

## Resolution 2020-8

### A RESOLUTION ADOPTING A VOLUNTEER POLICY

**WHEREAS**, the town council of the Town of Brighton wishes to provide for the encouragement of volunteer services and programs within the Town.

**WHEREAS**, The town council recognizes that volunteers are essential to the productivity, efficiency and cost effectiveness of the city government.

**WHEREAS**, Utah Code § 67-20-1 et seq. is the Volunteer Government Workers Act and provides certain protections for those volunteering for a town.

**WHEREAS**, Utah Code § 63G-8-101 et seq. is the Immunity for Persons Performing Voluntary Services Act and provides certain liability protection for volunteers of a town.

**WHEREAS**, the Council wishes to adopt a policy regarding volunteers.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF BRIGHTON, UTAH** that volunteers in the Town of Brighton shall enter into the attached Volunteer Waiver and Release.

This Resolution shall take effect immediately.

**PASSED AND APPROVED** by the Brighton Town Council this 3rd day of February, 2020.

**Town of Brighton**

BY \_\_\_\_\_  
Dan Knopp, Mayor

ATTEST \_\_\_\_\_  
Barbara Cameron, Acting Town Clerk

Attachment A: Town of Brighton Volunteer Waiver and Release.



## **Town of Brighton Volunteer Waiver and Release Form**

My name is \_\_\_\_\_ ("Volunteer"). It is Volunteer's intention to perform voluntary services without compensation for the Town of Brighton ("Town") in the project described in this form.

### **Assumption of Risk**

Volunteer hereby assumes the risk of, and responsibility for, any injury (including death) or damage that he or she may sustain arising out of or in any way connected with the activity described herein. This includes any injury not covered by Workers' Compensation benefits and death or damage resulting from any acts or omissions, whether negligent or not, by or on behalf of the Town, their officials, employees, volunteers or contractors. Volunteer expressly assumes all risks of the activity described herein.

### **Workers' Compensation**

Volunteer has been advised that the Town policy is to cover volunteers under its Workers' Compensation insurance but only to the extent provided for by Utah law which is for medical benefits only. Volunteer also understands that under Workers' compensation Laws, Workers' Compensation benefits will be Volunteer's sole remedy in the even the Volunteer is injured while performing the described volunteer activity.

### **Release**

Volunteer hereby waives and release any and all claims Volunteer has or may have in the future against the Town, its officers, agents, employees, assigns, and sureties, for any liability, damage, claim, injury, loss, expense, attorney fees, or harm of any kind whatsoever arising out of my participation in the described volunteer activity whether negligent or not.

### **Indemnification**

Volunteer hereby agrees to defend, indemnify and hold harmless the Town, its officials, officers, employees, volunteers or contractors from any and all claims for compensation, personal injury, property damage and wrongful death caused by Volunteer's negligence or willful misconduct.

### **Knowing and Voluntary Execution**

Volunteer has carefully read this Waiver and Release Form and fully understands its contents. Volunteer understands that he or she is giving up valuable legal rights. He or she knowingly and voluntarily gives up these rights of his or her own free will. He or she is allowing the activity described below to take place at his or her own risk.

### **Volunteer Project Description**

Volunteer Project: \_\_\_\_\_

Volunteer Title: \_\_\_\_\_

Volunteer Duties (be specific):

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Your signature below indicates that you have read each of the above items and you agree to be bound by them. I FURTHER ACKNOWLEDGE THAT THIS AGREEMENT SHALL BE BINDING UPON MY HEIRS, EXECUTORS, REPRESENTATIVES AND ASSIGNS. If you are under the age of 18, your parent or guardian must also review these items and sign below.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Applicant Name (print)*                      *Applicant Signature*                      *Date*

I, \_\_\_\_\_, am the parent or legal guardian of the applicant, and I agree to allow him/her to be bound by the conditions represented above.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
*Guardian Name (print)*                      *Signature*                      *Date*